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Fredrick J. Landram

TELN . P0200US

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Cynthia S. Murphy  
Renner, Otto, Boisselle & Sklar, LLP  
Nineteenth Floor  
1621 Euclid Avenue  
Cleveland, OH 44115-2191

EXAMINER

BAYARD, DJENANE M

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,316

Applicant(s)

LANDRAM ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/21/06</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is in response to amendment filed on 4/25/06 in which claims 1-31 are pending.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 9 and 14 have been considered but are moot in view of the new ground(s) of rejection.

3. As per claim 7, Nixon et al clearly teaches wherein the system may enable a user or other operator to specify fixed communication paths and/or alternate and/or redundant communication paths via which certain ones of the wireless enabled devices should use to communicate with the controller (See page 6, paragraph [0046]).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 7-10, 14-20, 23-16, 18-31 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2004/0259533 to Nixon et al in view of U.S.

Patent No. 6,529727 to Findiki et al.

- a. As per claim 1, Nixon et al teaches a self-configuring communication networks for use with process control systems. Furthermore, Nixon et al teaches a method of transacting business

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in conjunction with a sale of mobile devices, the method comprising the steps of: shipping at least a first mobile device to a first end user and at least a second mobile device to a second end user different from the first end user, the first mobile device and the second mobile device having generally a same hardware and software configuration during shipping; maintaining on at least one server coupled to a network configuration data for a plurality of mobile devices; upon receipt of the first mobile device and the second mobile device by the first end user and the second end user, respectively, powering up the first mobile device and the second mobile device; and upon being powered up, the first mobile device and the second mobile device each automatically connecting to the at least one server via the network (See page 3, paragraph [0029], *the wireless enabled field device is able to automatically establish communications via one or more wireless communication channels, paths or links with the controller*) ; downloading first configuration data and second configuration data, respectively, from the at least one server, the first configuration data and the second configuration data being generally different; and automatically configuring themselves based on the first configuration data and the second configuration data (See page 4, paragraph [0031], *the wireless communication interface within each of the wireless enabled filed devices may be configured to transmit and receive information (process control information, loading information...etc)* and See pages 5-6 paragraph [0043]). However, Nixon et al fails to teach wherein the mobile device is operable to maintain a communication link as the mobile device roams between communication cells.

Findikli et al teaches a method and system for performing over-the air activation for wireless communication service subscriptions within a wireless communication system. Furthermore, Findikli teaches wherein the wireless communications mobile terminal is a cellular

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telephone (See col. 3, lines 23-24) and the phone is a fully functional mobile transceiver capable of transmitting and receiving radio frequency signal (See col. 3, lines 33-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching Findikli into the claimed invention of Nixon et al in order for the mobile device to transmit and receive radio frequency signals (See col. 3, lines 33-35)

b. As per claim 9, Nixon et al teaches maintaining configuration data on a server coupled to a network, the method comprising the steps of: storing in memory on the server different configuration data for a plurality of different mobile devices (See page 9, paragraph [00714], *the database stores process control information, control parameters, configuration information*); the server receiving, via the network, requests for the different configuration data from the different mobile devices (See page 9, paragraph [0068], *the wireless field device announces its presence by periodically or continuously broadcast one or more message indicating its presence*), respectively; and the server providing, via the network, the different configuration data to the different mobile devices, respectively (See page 9, paragraph [0069], *the wireless device receives a commissioned request that include storage and activation of control strategies, parameters...etc*). However, Nixon et al fails to teach wherein the mobile device is operable to maintain a communication link as the mobile device roams between communication cells.

Findikli et al teaches a method and system for performing over-the air activation for wireless communication service subscriptions within a wireless communication system. Furthermore, Findikli teaches wherein the wireless communications mobile terminal is a cellular

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telephone (See col. 3, lines 23-24) and the phone is a fully functional mobile transceiver capable of transmitting and receiving radio frequency signal (See col. 3, lines 33-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching Findikli into the claimed invention of Nixon et al in order for the mobile device to transmit and receive radio frequency signals (See col. 3, lines 33-35)

c. As per claim 14, Nixon et al teaches a self configuring mobile device, comprising: a discovery module for discovering device specific information on a wireless computer network (See page 9, paragraph [0068], *the wireless device broadcast message that contains field device identification information*); a communication module for transmitting data to and receiving data from the wireless computer network, wherein the communications module obtains device specific information from the discovery module to establish a communications link to at least one device (See page 5, paragraph [0042], *upon initial installation of each of the wireless enabled field device, each of the device initially identifies available communication channel, paths or links by which communication with the controlled may be established*); an update module operatively coupled to the communications module for querying the at least one device to obtain a configuration update (See page 9, paragraph [0068], *the broadcast message contain field device identification information*) ; and a configuration module for configuring the mobile device, wherein the configuration module implements the configuration update to configure the mobile device to a custom configuration (See page 9, paragraph [0069], *the wireless device receives a commissioned request that include storage and activation of control strategies, parameters...etc that are downloaded and stored within the wireless enabled field device*)

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However, Nixon et al fails to teach wherein the mobile device is operable to maintain a communication link as the mobile device roams between communication cells.

Findikli et al teaches a method and system for performing over-the air activation for wireless communication service subscriptions within a wireless communication system.

Furthermore, Findikli teaches wherein the wireless communications mobile terminal is a cellular telephone (See col. 3, lines 23-24) and the phone is a fully functional mobile transceiver capable of transmitting and receiving radio frequency signal (See col. 3, lines 33-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching Findikli into the claimed invention of Nixon et al in order for the mobile device to transmit and receive radio frequency signals (See col. 3, lines 33-35)

d. As per claims 2 and 10, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the step of maintaining configuration data for a plurality of mobile devices includes the steps of: storing in memory on the server an identification code for uniquely identifying each mobile device; wherein the configuration data corresponds to the identification code (See page 9, paragraph [0071]).

e. As per claim 3, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the step of automatically connecting to the at least one server includes the steps of: transmitting to the server an identification code of the respective mobile device; and retrieving by the server configuration data based on the

transmitted identification code (See page 9, paragraph [0071]).

f. As per 7, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches configuring the mobile device manually in the event of a failure of the automatic configuration. (See page 3, paragraph [0028] and 6, paragraph [0046]).

g. As per claim 8, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al fails to teach wherein the step of configuring the mobile device manually further comprises the steps of: creating encrypted data, wherein the encrypted data includes an identifier, a time/date window, and configuration data; entering the encrypted data into the mobile device; verifying that the identification code and the time/date window relative to the particular mobile device; and using the configuration data to configure the mobile device, wherein the configuration is conditioned upon the verification of the identifier and the time/date window.

Findikli teaches wherein the step of configuring the mobile device manually further comprises the steps of: creating encrypted data, wherein the encrypted data includes an identifier, a time/date window, and configuration data; entering the encrypted data into the mobile device; verifying that the identification code and the time/date window relative to the particular mobile device; and using the configuration data to configure the mobile device, wherein the configuration is conditioned upon the verification of the identifier and the time/date window (See col. 4, lines 26-62 and col. 5-24).



It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Findikli in the claimed invention of Nixon et al in order for the mobile device to transmit and receive radio frequency signals (See col. 3, lines 33-35)

h. As per claim 15, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al teaches a user input module for entering data corresponding to the configuration of the mobile device.

Findikli teaches a user input module for entering data corresponding to the configuration of the mobile device (See col. 3, lines 40-46)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Findikli in the claimed invention of Nixon et al in order to allow the operator to select options (See col. 3, lines 40-46).

i. As per claim 16, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al fails to wherein the user input module is a keypad.

Findikli teaches wherein the user input module is a keypad. (See col. 3, lines 40-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Findikli in the claimed invention of Nixon et al in order to allow the operator to select options (See col. 3, lines 40-46).

j. As per claim 18, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the self configuring mobile device

initially is configured in a generic state (See page 18, paragraph [0075]).

k. As per claim 19, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches at least one system backbone; at least one host computer coupled to the system backbone; a wireless remote station coupled to the at least one system backbone; and the self configuring mobile device of claim 14, wherein the self configuring mobile device and the at least one host computer are operatively configured to wirelessly communicate configuration information there between, and the self configuring mobile device changes a first configuration setting to a second configuration based on a plurality of configuration data received from the at least one host computer, said second configuration setting being specific to a particular environment (See page 5, paragraphs [0038-0042]).

l. As per claim 20, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches a local station coupled to the at least one system backbone and to at least one remote communication link, wherein the wireless remote station is coupled to the at least one system backbone through the remote communication link and the local station (See page 5, paragraph [0042]).

m. As per claim 23, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the local station and the wireless remote station are routers (See page 2, paragraph [0011]).

n. As per claim 24, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the environment is a computer network (See page 3, paragraph [0029]).

o. As per claim 25, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the environment is a computer management system for managing business operations (See page 1, paragraph [0002]).

p. As per claim 26, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the at least one host computer includes a memory and a database stored in the memory (See page 9, paragraph [0070]).

q. As per claim 27, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the database comprises: an identification entry for uniquely identifying each self configuring mobile device in the system; and a configuration entry for specifying the configuration of the self configuring mobile device, wherein the configuration entry corresponds to the identification entry (See page 9, paragraph [0070]).

r. As per claim 28, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the identification entry is a device serial number (See page 9, paragraph [0070]).

s. As per claim 29, Nixon et al in view of Findikli teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the database further comprises a registration data entry and a device capabilities entry (See page 9, paragraphs [0066 and 0070]).

t. As per claim 30, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al fails to teach wherein the first mobile device and the second mobile device include a number of predefined features, and wherein automatically configuring the respective mobile devices includes configuring the first mobile device to enable access to a first number of features of the predefined number of features, and configuring the second mobile device to enable access to a second number of features of the predefined number of features, wherein the first number is different from the second number.

Findikli teaches wherein the first mobile device and the second mobile device include a number of predefined features, and wherein automatically configuring the respective mobile devices includes configuring the first mobile device to enable access to a first number of features of the predefined number of features, and configuring the second mobile device to enable access to a second number of features of the predefined number of features, wherein the first number is different from the second number (See col. 4, lines 26-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Findikli into the claimed invention of Nixon et al in order for the wireless device to mate with a subscription module (See col. 2, lines 35-59).

u. As per claim 31, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al fails to teach wherein automatically configuring the mobile devices includes enabling or disabling features of the mobile devices based on an intended or actual user of the respective mobile devices.

Findikli et al teaches wherein automatically configuring the mobile devices includes enabling or disabling features of the mobile devices based on an intended or actual user of the respective mobile devices (See col. 4, lines 26-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Findikli into the claimed invention of Nixon et al in order for the wireless device to mate with a subscription module (See col. 2, lines 35-59).

5. Claims 4-6, 11-13 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. U.S Patent Application No. 2004/0259533 to Nixon et al in view of U.S. Patent No. 6,529727 to Findikli as applied to claims 1, 9 and 14 above and further in view U.S. Patent No. 6,628934 to Rosenberg et al.

a. As per claims 4 and 11, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al in view of Findikli fails to teach wherein teaches a gateway for establishing remote communications between each mobile device and the server.

Rosenberg et al teaches wherein the mobile wireless device connects to a gateway (See col. 6, lines 1-40)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rosenberg et al in the claimed invention of Nixon et al in order to provide a link between the wireless network and the server (See col. 6).

b. As per claims 5, 12 and 21, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al in view of Findikli fails to teach wherein the gateway is an internet connection.

Rosenberg et al teaches wherein the gateway is an internet connection (See col. 6, lines 1-40)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rosenberg et al in the claimed invention of Nixon et al in view of Findikli et al in order to provide a link between the wireless network and the server (See col. 6).

c. As per claims 6, 13 and 22, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al in view of Findikli fails to teach wherein the gateway is an intranet connection.

Rosenberg et al teaches wherein the gateway is an intranet connection (See col. 6)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rosenberg et al in the claimed invention of Nixon et al in view of Findikli et al in order to provide a link between the wireless network and the server (See col. 6).

6. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. U.S. Patent Application No. 2004/0259533 to Nixon et al in view of U.S. Patent No. 6,529,727 to Findikli as applied to claims 1, 9 and 14 above and further in view U.S. Patent Application No. 2005/0148367 to Natsumo.

a. As per claim 17, Nixon et al in view of Findikli teaches the claimed invention as described above. However, Nixon et al in view of Findikli teaches wherein the user input module is a bar code reader.

Natsuno teaches a mobile communication terminal and card information reading device. Furthermore, Natsuno teaches wherein the user input module is a bar code reader (See page 14, paragraph [0313]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the user input module is a bar code reader as taught by Natsuno into the claimed invention of Nixon et al in view of Findikli in order for the transmitter receiver to exchange various information with the CAFIS Network (See page 14, paragraph [0313]).

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER